

*United States Attorney  
Southern District of New York*

June 22, 2021

Kedar S. Bhatia  
Assistant United States Attorney  
(212) 637-2465

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -	X	
	:	
UNITED STATES OF AMERICA	:	<u>ORDER</u>
	:	
- v. -	:	19 Cr. 808 (VEC)
	:	
FALIKOU KONE,	:	
	:	
Defendant.	:	
- - - - -	X	

WHEREAS, the United States of America seeks to provide in unredacted form certain documents pursuant to Rule 16 of the Federal Rules of Criminal Procedure; and

WHEREAS, some material that the Government seeks to provide contains sensitive information, including names of co-conspirators, address information, and financial information;

WHEREAS, the Government is willing, under the conditions set forth below, to produce such materials;

IT IS HEREBY agreed, by and between the United States of America, Audrey Strauss, United States Attorney, by Kedar S. Bhatia, Assistant United States Attorney ("the Government"), and defendant Falikou Kone, by and through his attorney Patrick Joyce, Esq. (the "Defendant"), that:

1. Any material reflecting sensitive identification information (including, but not limited to, names, addresses, dates of birth, Social Security numbers, bank account numbers,

driver's license information, telephone numbers, and email addresses) or sensitive financial information produced by the Government in this action is deemed "Confidential Information" and shall be so identified by the Government.

2. Confidential Information disclosed to the defendant or to his counsel during the course of proceedings in this action:

a. Shall be used by the defendant and his counsel solely for purposes of the defense of this action;

b. Shall be maintained in a safe and secure manner by the defendant's counsel, shall not be possessed by the defendant except in the presence of the defendant's counsel, and shall not be disclosed in any form by the defendant or his counsel except as set forth in paragraph 2(c) below;<sup>1</sup>

c. May be disclosed by the defendant or his counsel only to the following persons (hereinafter "Designated Persons"):

i. investigative, secretarial, clerical, and paralegal personnel, or any interpreter or translator, employed full-time or part-time by the defendant's counsel;

ii. independent expert witnesses, investigators, or advisors retained by the defendant's counsel in connection with

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<sup>1</sup> The parties agree that notwithstanding the language of paragraph 2(b), defense counsel may display Confidential Information to the defendant using remote video conference and screen-sharing technology.

this action;

iii. the discovery coordinator appointed by the Court to assist in this case, and staff, associates, and assistants deemed necessary by the discovery coordinator for coordinating and distributing discovery;

iv. prospective witnesses and their counsel, to the extent deemed necessary by defense counsel for the purposes of this criminal proceeding, except that Confidential Information shall not be electronically transmitted to such prospective witnesses or their counsel and shall not be possessed by such prospective witnesses or their counsel except in the presence of defense counsel. Notwithstanding the above, Confidential Information may be transmitted electronically to independent expert witnesses, investigators, or advisors retained by the defendant's counsel in connection with this action, and such witnesses, investigators and advisors may possess Confidential Information outside of the presence of defense counsel; or

v. such other persons as hereafter may be authorized by the Court upon motion by the defendant; and

d. Shall either be returned to the Government following the conclusion of the trial of the above-referenced action or upon the defendant's sentencing or upon the conclusion of any appeals, or maintained by the defendant's counsel as required by counsel's

duties and responsibilities as counsel, as the case may be, provided that the defendant's counsel shall maintain any Confidential Information in accordance with Paragraph 2(b).

3. The defendant and his counsel shall provide a copy of this Order to Designated Persons to whom they disclose Confidential Information pursuant to paragraph 2(c). Prior to disclosure of Confidential Information to Designated Persons, pursuant to Paragraph 2(c), any such Designated Person shall agree to be subject to the terms of this Order by signing a copy hereof and filing such a copy with the Court under seal.

4. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, trial, or sentencing proceeding held in connection with the above-referenced action, or to any District Judge or Magistrate Judge of this Court for purposes of the above-referenced action. However, Confidential Information pertinent to any motion before the Court should initially be filed under seal, absent consent of the Government or Order of the Court.

5. With respect to Confidential Information, any filings with any court shall be governed by Rule 49.1 of the Federal Rules of Criminal Procedure.

6. The provisions of this Order shall not terminate at the conclusion of this criminal prosecution, and the Court shall retain

jurisdiction to enforce this Order following termination of the case.

Dated: New York, New York

~~May~~ 22, 2021

June

AUDREY STRAUSS

United States Attorney

for the Southern District of New York

By:



Kedar S. Bhatia

Assistant United States Attorney

Falikou Kone

By:



Patrick Joyce, Esq.

Attorney for defendant Falikou Kone

SO ORDERED:



THE HONORABLE VALERIE E. CAPRONI  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK

6/23/2021